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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,667	07/12/2001	Katsutoshi Nishimoto	109498	2099
25944	7590	10/17/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			CABRERA, ZOILA E	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,667

Applicant(s)

NISHIMOTO ET AL.

Examiner

Zoila E. Cabrera

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,10 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,10 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>10/13/06</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Final Rejection

1. Claims 2, 10, and 18 are presented for consideration.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 10, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Inui et al. (US 5,204,821)** and **Andrade, JR. et al. (US 2003/0109950 A1)** and further in view of **Akihiro, Oyama (JP 11312197 A)**.

Regarding claims 2, 10 and 18, **Inui** discloses a parts procurement system comprising:

- virtual production line preparation means for preparing a virtual production line in which objects manufactured thereon are virtually placed in sequence based on long-term production plan data covering variable production of the objects and fixed production plan data covering fixed production of the objects (Col. 1, lines 17-28; Col. 2, lines 57-62; Col. 4, lines 13-29); and parts ordering means for determining parts and the number of the parts necessary for manufacturing the objects on the virtual production line prepared by the virtual production line preparation means (Col. 1, lines 48-52; Fig. 6(1)), as well as calculating the parts

ordering timing based on a production timing of the objects and parts delivery lead time (Col. 4, lines 41-47; Col. 5, lines 48-52; Col. 7, lines 27-28).

Inui discloses most of the limitations of claims 2, 10 and 18. However, **Inui** does not disclose long term production plan data that is more than one month. But **Andrade** discloses a method and system for planning operation in manufacturing plants wherein long term production plan data is more than one month (Page 1, [0002], lines 1-3; [0007], lines 12-15). Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the parts supply system of **Inui** with the system for planning operations in a manufacturing plant of **Andrade** because it would provide a planning system to optimally allocate equipment capacity to expected orders in a multiple production line manufacturing plant.

Inui and **Andrade** disclose most of the limitations of claims 2, 10 and 18 above. **Andrade** further discloses forecasting the availability of the plant for the orders already in progress that corresponds detecting a production progress ([0105]). However, **Inui** and **Andrade** fail to disclose some limitations of claims 2, 10 and 18. However, **Akihiro** discloses such limitations as follows:

As for claims 2, 10 and 18,

- correction means for correcting the virtual production line prepared by the virtual production line preparation means according to actual production results of the objects, wherein the parts ordering means places a parts order after calculating the parts ordering timing based on the corrected virtual production line (Page 6-7, [0063], i.e., In arrangement processing, it **decides on the delivery need day of**

each subunit from this changed lead time of each routing of the schedule expansion master 105 classified by model, and MRP expansion of the bill-of-materials master 101 is performed in each subunit unit, and it decides on the date of order and the delivery date of each part article after scheduling modification).

the correction means changes the virtual production line. (Page 6-7, [0062]-[0063], i.e., In arrangement processing, it decides on the delivery need day of each subunit from this changed lead time of each routing of the schedule expansion master 105 classified by model; Page 2, [0019], i.e., the schedule modification processing section changes scheduling by modification of the lead time of this schedule expansion master classified by model at the time of usually generated scheduling modification, and only when the subunit itself is changed at the time of a design change; Page 7, [0065] when the lead time of the bill-of-materials master 101 changes substantially by a design change etc., it is made to change the bill-of-materials master 101, and enables it to make a schedule change easily. Please note that by modifying the schedule a production sequence is also changed since there is a decision taken on the date of order and the delivery date of each part article after scheduling modification. For example, if an article is needed earlier then a modification of the schedule takes place and Akihiro teaches that each part article may be supplied according to the delivery need day [0068], therefore, the production sequence needs to be changed to give priority to the requested article).

Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the parts supply system of **Inui** and **Andrade** with the schedule plan and preparation managing system of **Akihiro** because it would provide an improved system wherein an schedule plan can be corrected and changed easily and thereby decide the order days of the respective parts and executing a preparation processing (Abstract, Akihiro).

Response to Arguments

3. Applicant's arguments filed August 10, 2006 have been fully considered but they are not persuasive. Applicant contends that none of the applied references disclose or suggest bringing changes to the production line on the basis of a production progress. Examiner disagrees because Andrade discloses forecasting the availability of the plant for the orders already in progress that corresponds detecting a production progress ([0105]) and Inui discloses modifying a production line or bringing changes to the production line. Therefore, it would have been obvious to modify a production line taking into account the production progress.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


Art Unit: 2125

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning communication or earlier communication from the examiner should be directed to Zoila Cabrera, whose telephone number is (571) 272-3738. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. Additionally, the fax phones for Art Unit 2125 are (571) 273-8300. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Zoila Cabrera
Primary Examiner
10/13/06


ZOILA CABRERA
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100
10/13/06